

MINUTES OF NOVEMBER 16, 2015

The regular meeting of the Sussex County Board of Adjustment was held on Monday, November 16, 2015, at 7:00 p.m. in the County Council Chambers, County Administrative Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Dale Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Jeff Hudson, Mr. Brent Workman, and Mr. Norman Rickard, with Mr. James Sharp – Assistant County Attorney, and staff members Ms. Janelle Cornwell – Planning and Zoning Manager, and Mrs. Jennifer Norwood – Recording Secretary.

The Pledge of Allegiance was led by Mr. Callaway.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Minutes and Findings of Fact for September 21, 2015 as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously to approve the Minutes and Findings of Fact for October 5, 2015 as circulated. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

The Board took a ten (10) minute recess prior to public hearings to allow the staff to copy applications for the Board for Case Nos. 11660, 11664, and 11665.

PUBLIC HEARINGS

Case No. 11660 Keith Brock & Crystal Brock – seek a special use exception to operate a daycare facility (Section 115-23C(5) & 115-201A(3)(e) of the Sussex County Zoning Ordinance). The property is located on the northeast side of Woodbridge Road approximately 0.39 miles south of Scotts Store Road. 911 Address: 14281 Woodbridge Road, Greenwood. Zoning District: AR-1. Tax Map No.: 5-30-13.00-18.02.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received one (1) letter of support to the Application and had not received any correspondence in opposition to the Application.

Keith Brock and Crystal Brock were sworn in and testified requesting a special use exception to operate a daycare facility. Ms. Brock testified that she currently operates a Level 1 daycare which permits six (6) children; that she wants to operate a Level 2 daycare which will allow her to care for up to nine (9) children; that her hours of operation are Monday through Friday from 7:00 a.m. to 5:00 p.m.; that the ages of the children at the daycare range from one to twelve

years old; that she is the only employee and that her husband is the substitute care provider; that there is adequate parking available; that six (6) cars can park in their driveway; that the use will not substantially adversely affect the uses of the neighboring and adjacent properties; that the play area is fenced in; that the surrounding area is mainly residential and farmland; and that there have been no complaints from her neighbors.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception Application No. 11660 for the requested special use exception based on the record made at the public hearing because the use does not substantially adversely affect the uses of the neighboring and adjacent properties.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the special use exception be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11664 – Joseph R. Hall – seeks a variance from the side yard setback requirement (Section 115-25C of the Sussex County Zoning Ordinance). The property is located on the west side of Fire Tower Road approximately 319 feet north of County Seat Highway (Route 9). 911 Address: 28584 Fire Tower Road, Laurel. Zoning District: AR-1. Tax Map No.: 1-32-13.00-7.02.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Joseph Hall was sworn in and testified requesting a variance of 5.6 feet from the fifteen (15) feet side yard setback requirement for an existing detached garage; that he built the detached garage twenty-two (22) years ago; that he obtained a building permit and believed that the setback requirement was five (5) feet rather than fifteen (15) feet; that Sussex County notified him that the garage did not meet the required setbacks; that at the time he and his neighbor had no issue with the location of the garage and he did not apply for a variance at that time; that he plans to sell the Property and has applied for a variance to bring the Property into compliance; that the garage is for personal use only; that the garage is located on a permanent foundation; that the dwelling was built in 1981; that the detached garage is located in the same location as a previous shed; that the garage is no further to the side yard property line than the prior shed; and that his current neighbors have no objection to the Application.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11664 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The variance is necessary to enable reasonable use of the Property;
2. The Property cannot be otherwise developed in strict conformity with the Sussex County Zoning Code;
3. The exceptional practical difficulty was not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11665 – Barry E. Hastings – seeks variance from the rear yard and side yard setback requirements (Section 115-25C of the Sussex County Zoning Ordinance). The property is located on the west side of Butler Mill Drive in the Branchview subdivision off of West Stein Highway. 911 Address: 25392 Butler Mill Drive, Seaford. Zoning District: AR-1. Tax Map No.: 5-31-12.00-171.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received two (2) letters in support of the Application and had not received any correspondence in opposition to the Application.

Barry Hastings was sworn in and testified requesting a variance of thirteen (13) feet from the twenty (20) feet rear yard setback requirement and a variance of seven (7) feet from the fifteen (15) feet side yard setback requirement for a proposed detached garage; that he recently installed a pool in the rear yard; that he removed an existing shed which measures 10 feet by 16 feet and would like to build a larger detached garage; that the proposed detached garage will be used for storage of pool equipment and one vehicle; that his neighbors support the Application; that the pool is located in the center of the rear yard; that the drainage field for the septic system is on the opposite side of the pool from the location of the proposed garage; that the proposed detached garage will be on block foundation and will match the existing dwelling; that the rear yard is completely fenced in; that access to the proposed detached garage will be through the fenced in area; that the location of the existing pool and septic system prevent the proposed detached garage from meeting the setback requirements; that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code due to the location of the existing dwelling, attached garage, and pool; that the difficulty was not created by the Applicant; that the variances will not alter the essential character of the neighborhood; that the existence of the garage will

enhance property values in the neighborhood; that the variances are the minimum variances to afford relief; that he has tried to find other locations on the Property to place the garage; that he removed a few existing trees to make room for the proposed detached garage; and that his previous shed was approximately five (5) to six (6) feet from the rear property line and seven (7) to eight (8) feet from the side property line. Mr. Hastings submitted two (2) letters in support of the Application.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11665 for the requested variances based on the made at the public hearing and for the following reasons:

1. The existing septic system and pool create a unique situation to the Property;
2. The exceptional practical difficulty was not created by the Applicant;
3. The variances will not alter the essential character of the neighborhood;
4. The variances sought are the minimum variances necessary to afford relief; and
5. The variances represent the least modifications of the regulations at issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11667 – Martha Sullivan & Virginia Fornillo – seek a variance from the side yard setback requirements (Section 115-185F of the Sussex County Zoning Ordinance). The property is located on the south side of Point Circle in the Mill Pond Acres subdivision. 911 Address: 31408 Point Circle, Lewes. Zoning District: AR-1. Tax Map No.: 3-34-1.00-92.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received one (1) letter in support of the Application and had not received any correspondence in opposition to the Application.

Martha Sullivan was sworn in to testify about the Application. Chad Meredith, Esquire, presented the case to the Board on behalf of the Applicants.

Mr. Meredith stated that the Applicants are requesting a variance of 3.5 feet from the five (5) feet side yard setback requirement for an existing shed; that a survey completed for settlement showed the encroachment; that the Property is located in Mill Pond Acres; that the shed is under

600 square feet; that the Applicants purchased the Property in July 2015; that the dwelling was built in 1976; that an addition to the dwelling was built in 2003 and a deck was built in 2004; that the previous owner remembers the shed being built in 2003 to store construction material for the addition built in 2003; that the shed was placed on a concrete pad; that the rear yard slopes down from the rear of the house towards the pond; that the Property is keystone-shaped making it unique; that the Property is heavily wooded; that it would difficult to place the shed in the rear yard due to the slope of the lot and the existing trees on the lot; that the variance will not adversely affect the uses of the neighboring and adjacent properties since the neighboring properties are already developed; that there have been no previous complaints from neighbors about the shed; that the difficulty was not created by the Applicants; that the shed was located on the Property when the Applicants purchased the lot; that the variance will not alter the character of the neighborhood; that there are other sheds in the neighborhood in side yards; that the use is not detrimental to the public welfare; that the variance requested is the least modification of the regulation at issue; and that the variance requested is the minimum variance to afford relief.

Ms. Sullivan, under oath, affirmed the statements made by Mr. Meredith.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11667 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique because it is undersized and has an odd shape;
2. The variance is necessary to enable reasonable use of the property;
3. The exceptional practical difficulty was not created by the Applicants because a prior owner placed the shed on the lot;
4. The variance will not alter the essential character of the neighborhood;
5. The variance sought is the minimum variance necessary to afford relief; and
6. The variance is the least modification possible of the regulation at issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11668 – Bruce Barnhard & Eileen Barnhard – seek variances from the side yard, rear yard, and front yard setback requirements (Section 115-185F, 115-183C, and 115-182D of the Sussex County Zoning Ordinance). The property is located on the west side of Lagoon Lane approximately 202 feet south of Bay Haven Street. 911 Address: 37730 Lagoon Lane, Ocean View. Zoning District: MR. Tax Map No.: 1-34-8.00-131.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application. Ms. Cornwell stated that the porch and deck have been removed and no longer require variances. The Board will only consider the variances for the existing shed.

Eileen Barnhard was sworn in to testify about the Application. Manaen Robinson, Esquire, presented the case to the Board on behalf of the Applicants.

Mr. Robinson stated that the Applicants are requesting a variance of 2.5 feet from the five (5) feet side yard setback requirement and a variance of 0.5 feet from the five (5) feet rear yard setback for an existing garage; that the Property is located in Rogers Haven; that the Applicants purchased the Property in 2015; that a survey completed for settlement showed the encroachments for a garage, porch, and deck; that the porch and deck have been removed; that the Property is small and narrow; that the Property measures 50 feet wide by 106 feet deep; that the garage has been on the lot since 1991; that the Applicants would have to remove a portion of the garage in order to bring the garage into compliance which would be costly and burdensome; that the Property cannot otherwise be developed; that the variance is necessary to enable reasonable use of the Property; that the exceptional practical difficulty was not created by the Applicants; that the garage was placed on the Property by a prior owner; that the variance requested does not alter the character of the neighborhood; that the garage does not impair the use of neighboring properties; and that the variances requested are the minimum variances to afford relief.

Ms. Barnhard, under oath, affirmed the statements made by Mr. Robinson.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11668 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique in size;
2. The variances are necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Hudson, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11669 – John Griffin & Robin Griffin – seek variances from the side yard and rear yard setback requirements (Section 115-25C of the Sussex County Zoning Ordinance). The property is located on the northwest side of Elmwood Avenue West approximately 766 feet south of Woodland Circle. 911 Address: 23576 Elmwood Avenue West, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-17.08-220.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received one (1) letter in opposition to the Application and had not received any correspondence in support of the Application.

John Griffin, Robin Griffin, and Jay Michael Yoder were sworn in and testified requesting a variance of 0.3 feet from the ten (10) feet side yard requirement, a variance of 1.5 feet from the ten (10) feet side yard setback requirement for a proposed dwelling, and a variance of 8.8 feet from the twenty (20) feet rear yard setback requirement for a deck.

Mr. Griffin testified that the existing dwelling must be torn down due to its age and deterioration; that the proposed two (2) story dwelling will be within the existing footprint of the dwelling; that the existing dwelling had been approved for prior variances; that the existing dwelling was built in the 1960s or the 1970s; that there is no foundation to the existing dwelling; that the lot is uniquely shaped as it is keystone-shaped with the narrowest portion being located near the street; that the shape of the Property leaves a small building envelope; that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code; that the variances requested do not alter the character of the neighborhood; that the dwelling will improve the neighborhood; that neighbors encouraged him to tear down the existing dwelling; that the Applicants purchased the Property in 2007; that the variances are the minimum variances to afford relief; that the Property is adjacent to a common area in the subdivision; that there are no additional encroachments caused by the proposed dwelling except that there is an additional 0.3 feet variance on the side yard for a proposed garage; that the Applicants have worked with an architect to minimize the need for the variance; and that the dwelling will be a stick-built dwelling.

Mr. Yoder testified that a structural engineer determined the existing dwelling was not safe to rebuild; that the proposed dwelling is similar to other dwellings in the area; that the Applicants plan to retire and live on the Property full time; and that the dwelling will be designed for first floor living.

Donna Kelly was sworn in and testified in support of the Application and testified that her parents live nearby; and that she feels the proposed dwelling will be a huge improvement to the area.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Hudson stated that he would move that the Board recommend approval of Variance Application No. 11669 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique due to its size and shape of the Property;
2. The Board has previously granted variances for the Property;
3. The Property cannot be otherwise be developed in strict conformity with the Sussex County Zoning Code;
4. The dwelling will be built largely on the same footprint as the previous dwelling;
5. The exceptional practical difficulty was not created by the Applicants;
6. The dwelling will be similar to other homes in the neighborhood;
7. The variances will not alter the essential character of the neighborhood; and
8. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Hudson, seconded by Mr. Rickard, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11670 – David Ritter – seeks a variance from the side yard setback requirement (Section 115-82B and 115-156A of the Sussex County Zoning Ordinance). The property is located on the south side of Long Neck Road approximately 82 feet west of Radie Kay Lane. 911 Address: 26246 Kathy's Way, Millsboro. Zoning District: C-1. Tax Map No: 2-34-24.00-46.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received one (1) letter of support to the Application and had not received any correspondence in opposition to the Application.

David Ritter was sworn in and testified requesting a variance of 5.1 feet from the twenty (20) feet side yard setback requirement, a variance of 10.4 feet from the twenty (20) feet side yard setback requirement, a variance of 10 feet from the twenty (20) feet side yard setback requirement, a variance of 10.6 feet from the twenty (20) feet side yard setback requirement, a variance of 10.7 feet from the twenty (20) feet side yard setback requirement, and a variance of 15.7 feet from the twenty (20) feet side yard setback requirement for an addition to an existing building; that the existing building was built three (3) years ago; that variances were granted for the existing building; that the business is growing and he needs additional space; that the proposed additions will also create more jobs; that the State Fire Marshal requires a ten (10) feet access way along one side of the Property; that the Property is only sixty-six (66) feet wide; that the existing building is thirty (30) feet wide; that the proposed addition will be thirty (30) feet wide; that the Property cannot otherwise be developed in strict conformity with the Sussex County Zoning Code; that he did not create the size and shape of the lot, therefore the difficulty was not created by the Applicant;

that the variances will not alter the essential character of the neighborhood; that there is a tree buffer and drainage ditch between his property and the neighbor's property; that there are other businesses in the area; that he operates a golf cart business; that he cannot expand the business without the variances; that the variances are the minimum variances to afford relief; and that two (2) existing sheds will be removed.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11670 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The narrow sixty-six (66) feet wide lot make the Property unique;
2. The variances are necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood;
5. The variances sought are the minimum variances necessary to afford relief; and
6. The variances represent the least modifications possible of the regulations at issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11671 – Lloyd Harrison & Judith A. Harrison – seek variances from the side yard and front yard setback requirements (Section 115-34B and 115-185F of the Sussex County Zoning Ordinance). The property is located between Robinsons Drive and Anna B Street approximately 302 feet east of Fisher Street. 911 Address: 38254 Robinsons Drive, Rehoboth Beach. Tax Map No.: 3-34-20.09-36.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning had not received any correspondence in support of or in opposition to the Application.

Lloyd Harrison was sworn in and testified requesting a variance of 18.8 feet from the thirty (30) feet front yard setback requirement for an existing detached garage, a variance of 1.5 feet from the five (5) feet side yard setback requirement for an existing detached garage, a variance of 2.5 feet from the ten (10) feet side yard setback requirement for a proposed dwelling, and a variance of 14.1 feet from the thirty (30) feet front yard setback requirement for a proposed dwelling. Mr. Harrison submitted a packet of exhibits to the Board.

Mr. Harrison testified that the Property is located outside of Rehoboth Beach; that the existing dwelling was built in the 1930s; that he plans to replace the existing dwelling with a new dwelling; that he purchased the Property in 2000; that Robinsons Drive runs at an obtuse angle; that the eastern portion of the house is closer to the street than the western portion of the house; that Anna B Street, which borders the rear of the Property, is a dead end street; that his lot is a through lot; that the garage is 26.5 feet from the edge of the pavement on Anna B Street; that the Property is unique due to the angle of the front property line and the age of the dwelling; that the Property is a small, narrow lot; that the dwellings on the Robinsons Drive are built parallel to the side property lines; that the front of the existing dwellings on Robinsons Drive align in a step fashion down the angular street; that the northeast corner of the proposed dwelling is closer to the street than the west side; that the existing dwelling has a basement, which houses the furnace, hot water tank, laundry and storage area; that the basement creates a unique issue since very few houses have basements in that area; that the variances are necessary to enable reasonable use of the Property; that the variances will improve the safety of the dwelling and will not alter the essential character of the neighborhood; that the existing garage is of masonry construction and cannot be made to conform without destroying it; that the narrow lot and angled street were not created by the Applicants; that the location of the existing dwelling and garage were not created by the Applicants; that the existing garage has been on the lot for many years; that the new dwelling will blend into the character of the neighborhood; that there will be no changes to the existing detached garage; and that the variances are the minimum variances to afford relief.

Mr. Harrison clarified that the variances requested are as follows:

1. 9.7 feet variance from the front yard setback for a proposed dwelling;
2. 4 feet variance from the side yard setback for a proposed dwelling;
3. 1.5 foot variance from the side yard setback for an existing garage;
4. 18.8 feet variance from the front yard setback for an existing garage.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11671 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Property is unique because it is only fifty (50) feet wide and is a through lot;
2. The variances are necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variances will not alter the essential character of the neighborhood;
5. The variances sought are the minimum variances necessary to afford relief; and
6. The variances represent the least modification possible of the regulations at issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Case No. 11672 – John H. Moulder & Lorraine O. Moulder – seek variances from the side yard and rear yard setback requirements (Section 115-25C and 115-185F of the Sussex County Zoning Ordinance). The property is located on the northeast side of Elmwood Avenue West approximately 947 feet south of Woodland Circle. 911 Address: 23611 Elmwood Avenue West, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-17.08-227.00.

Ms. Cornwell presented the case and stated that the Office of Planning and Zoning received one (1) letter of opposition to the Application and had not received any correspondence in support to the Application.

Donna Kelly was sworn in and testified requesting a variance of 3.3 feet from the ten (10) feet side yard setback requirement for an existing dwelling, a variance of 5.2 feet from the twenty (20) feet rear yard setback requirement for an existing dwelling, a variance of 6.6 feet from the ten (10) feet side yard setback requirement for an existing dwelling, a variance of 4.8 feet from the five (5) feet side yard setback requirement for an existing shed, and a variance of 2.2 feet from the five (5) feet rear yard setback requirement for an existing shed; that her parents own the Property; that the dwelling is approximately forty (40) years old; that her parents now live in assisted living and need to sell the Property; that the Applicants built two (2) additions and obtained the proper building permits; that the Applicants were unaware of the encroachments; that the neighbors support the Application; that the shed has been on the lot since the 1970s and is on a cement slab; that the lot is adjacent to common area in the subdivision; and that the neighboring property has an existing dwelling.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11672 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The non-conforming, odd shaped lot makes this property unique;
2. The variances are necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty was not created by the Applicants;
4. The variances will not alter the essential character of the neighborhood;
5. The use will not be detrimental to the public welfare; and
6. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variances be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Workman – yea, Mr. Rickard – yea, Mr. Mills – yea, Mr. Hudson – yea, and Mr. Callaway – yea.

Case No. 11673 – Edward Olson – seeks a variance from the maximum square footage requirement allowable for a garage / studio apartment (Section 115-23C(6) and 115-4B of the Sussex County Zoning Ordinance). The property is located on the west side of Hopkins Road at the intersection with Park Pavillion Way. 911 Address: 20396 Hopkins Road, Lewes. Zoning District: AR-1. Tax Map No.: 2-34-5.00-46.03.

Ms. Cornwell presented the case and stated that the Office of Planning had not received any correspondence in support of or in opposition to the Application.

Edward Olson was sworn in and testified requesting a variance of 48 square-feet from the 800 square-foot maximum allowable square footage for a garage / studio apartment; that the special use exception for the garage / studio apartment was granted August 17, 2015; that an existing garage was built in 1995 and is being converted into the garage / studio apartment; that the additional square-footage is needed now due to the mechanical devices needed to make it a living space; that the changes needed for the duct work created a loss in livable space; that the 10 feet by 12 feet addition will be a kitchen; that the entire structure meets all required setback requirement; that the apartment will be aesthetically pleasing; and that his neighbors support the Application.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11673 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The changes to the interior to accommodate the mechanical devices created a unique circumstance;
2. The variance is necessary to enable reasonable use of the Property;
3. The exceptional practical difficulty was not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood;
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call: Mr. Mills – yea, Mr. Hudson – yea, Mr. Rickard – yea, Mr. Workman – yea, and Mr. Callaway – yea.

Meeting Adjourned 9:15 p.m.